Minute No. 164
Report – Standing Policy Committee on Infrastructure Renewal and Public Works – January 16, 2015

Item No. 3 No Cost Replacement of Recycling and Garbage Carts as a Result of Third Party Damage

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and adopted the following:

1. That, effective January 28, 2015, the City provide a replacement recycling cart or garbage cart at no cost to the property owner if:

    A. the designated employee has determined that the cart has been damaged by a third party through no fault of the property owner

    B. the cart was not damaged as a result of the property owner or resident at the property failing to comply with clause 6(1)(c) of the Solid Waste By-Law or the rules regarding collection of solid waste as set by the Director pursuant to section 4(2)

        i. the cart is no longer functional for holding the material or for the collection truck to empty the cart and

        ii. the damaged cart is returned to the City.

2. That this cart replacement policy not apply:

    A. retroactively,

    B. to lost or stolen carts.

3. That the Solid Waste By-law 110/2012 be amended (draft amending By-law attached) as necessary to reflect Recommendations #1 and #2.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – January 16, 2015

DECISION MAKING HISTORY:

Moved by Councillor Lukes,

That the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works be adopted.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 21, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 16, 2015, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

Councillor Eadie submitted a communication, undated, in support to No Cost Replacement of Recycling and Garbage Carts as a Result of Third Party Damage.

ADMINISTRATIVE REPORT

Title: **NO COST REPLACEMENT OF RECYCLING AND GARBAGE CARTS AS A RESULT OF THIRD PARTY DAMAGE**

Critical Path: **Standing Policy Committee on Infrastructure Renewal and Public Works, Executive Policy Committee, Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Strandberg, Acting Manager of Solid Waste Services	D. P. Sacher, P. Eng. Director, Water and Waste Department	M. Ruta	D. Joshi

RECOMMENDATIONS

1. That, effective January 28, 2015, the City provide a replacement recycling cart or garbage cart at no cost to the property owner if:
    - the designated employee has determined that the cart has been damaged by a third party through no fault of the property owner
    - the cart was not damaged as a result of the property owner or resident at the property failing to comply with clause 6(1)(c) of the Solid Waste By-Law or the rules regarding collection of solid waste as set by the Director pursuant to section 4(2)
        a. the cart is no longer functional for holding the material or for the collection truck to empty the cart and
        b. the damaged cart is returned to the City.

2. That this cart replacement policy not apply:
        a. retroactively,
        b. to lost or stolen carts.

3. That the Solid Waste By-law 110/2012 be amended (draft amending By-law attached) as necessary to reflect Recommendations #1 and #2.

4. That the proper officers of the City of Winnipeg do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

On June 26, 2013 Council adopted the recommendation that the Water and Waste Department implement the following:

> *"That Solid Waste factor in loss in its budget for replacing garbage and recycle carts that get vandalized or wrecked in an accident in order to cover the replacement cost for properties covered in Winnipeg's garbage and recycle system."*

IMPLICATIONS OF THE RECOMMENDATIONS

This report recommends one exception to a long-standing policy that residents are responsible for the care of their containers for recycling and garbage collection (i.e., blue box, cart, standard garbage can).
These long standing policies are now enforceable under sections 4(2) and 6(1) of the Solid Waste By-law 110/2012.

The Department will expect to replace approximately 1,500 carts per year at no charge to residents. Assuming that the majority of damaged carts are the 240-litre size, and including the cost of delivery, the expected cost to the Department will be $127,500.00 per year.

HISTORY

On October 19, 2011, Council approved the Garbage and Recycling Master Plan which included the following recommendations:

> That replacement garbage carts for lost carts be provided to residents at cost.
>
> That replacement recycling carts for lost carts be provided to residents at cost.

Currently, if a container is damaged during collection, the City will repair or replace the container at no cost to the resident. The cost of replacement due to the collector's mishandling is ultimately born by the contractor responsible for the damage However, as with other household items, the resident is responsible for their container at all other times and required to purchase a replacement cart from the City. The carts are sold at cost ($60 for a 240 litre cart and $75 for 360 litre cart). Residents can pick up the replacement cart or have it delivered for a $25.00 fee.

When the 385,000 recycling and garbage carts were delivered to residential properties, including multi-family residential buildings, between January 2010 and October 2012, a User Guide on the new garbage and recycling services was included with the new carts. The Guide advises residents they are responsible to protect and care for their carts, including:

- storing the carts in a safe place on the property (e.g., at the side of the house, inside a carport or garage, inside the fence),
- moving the carts back to a safe storage space on the property as soon as possible after they are emptied,

- putting the carts out for collection no sooner than the night before, and not leaving the carts at the curb or lane between collections.

Service Standards for residential collection are published on the City of Winnipeg website at http://winnipeg.ca/waterandwaste/servicestandardsres.stm.

The Department tracks carts replaced by homeowners. Since the implementation of cart collection city-wide in October 2012, approximately 100 carts of various sizes were replaced and paid for each month by property owners due to a variety of reasons, including third party damage.

The Department expects to replace approximately 1,500 carts per year at an annual cost of $127,500.00. This annual amount is based on the replacement cost of 1,500 carts and the administrative and delivery costs associated with the replacement service. It does not include any costs for on-site inspections or other administrative costs that may arise from frivolous customer requests or requests where carts have sustained only negligible damage. Residents whose request for cart replacement are initially denied will have the ability to appeal the decision to the Standing Policy Committee on Infrastructure Renewal and Public Works. No additional FTE's are being requested to administer this recommendation

In order to minimize fraudulent requests for additional carts, the recommended cart replacement policy proposed in this report requires that the damaged cart be returned to the City. It is important to note that this no-cost replacement policy does not extend to lost or stolen carts.

Residents will still be required to remove containers from the collection point between collections which reduces the risk of theft, arson and vandalism, contributes to a cleaner neighbourhood, and helps with snow clearing operations.

A summary of policies from other cities in Canada and northern USA is shown below. Also included as a reference is the annual fee assessed to Single Family Dwellings which is in addition to any funding support from property taxes.

City	Additional Annual Fees to Single Family Dwellings relating to Solid Waste Management Initiatives[1]	Replacement policy for damaged carts	Replacement policy for lost/stolen carts
Winnipeg	$50.00	No charge if damaged by collector; charge in all other cases	Charge to replace lost and stolen carts
Vancouver	$270 (Blue box, 204L Garbage, 204L green cart)	No charge	No charge

[1] This represents the annual fee assessed to Single Family Dwellings to fund Waste Management/ Diversion initiatives. This fee is in addition to any property tax support where applicable, and in most cases, supports entire Solid Waste Management programs which may or may not directly support the collection service per se. The complexity of different funding models utilized by various municipalities does not allow for a simple cost comparison.

Calgary	$153.30	No charge in most cases; may investigate if circumstances are suspect	No charge in most cases; may investigate if circumstances are suspect
Toronto	$156.39	No charge	No charge
Minneapolis	$235.00	No charge	No charge
Regina	$91.25 (recycling fee only - garbage is supported through property taxes)	No charge; will track cause of damage. May investigate problem addresses	No charge; may investigate problem addresses
Brandon	$0 (supported through property taxes)	No charge if damaged on collection day; otherwise, the property owner pays	Property owner pays to replace lost or stolen carts
Saskatoon	$58.68 (recycling fee only - garbage is supported through property taxes)	No charge	No charge
Fargo	$108.00	No charge	No charge

Discussions with the cities noted above confirmed that there were no reports of carts that were deliberately set on fire and most carts were replaced as a result of homeowner negligence. Cities that did not directly charge for cart replacement generally factored the replacement cost into their annual cost. It should be noted that where cities do not charge for damaged, lost or stolen carts the annual fees are typically significantly higher than in Winnipeg.

The amending by-law to enact the change as set out in this report is attached in Attachment 1.

FINANCIAL IMPACT

Financial Impact Statement

Date: December 17, 2014

Project Name: **First Year of Program** **2015**

NO COST REPLACEMENT OF RECYCLING AND GARBAGE CARTS AS A RESULT OF THIRD PARTY DAMAGE

	2015	2016	2017	2018	2019
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 127,500	$ 127,500	$ 127,500	$ 127,500	$ 127,500
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 127,500	$ 127,500	$ 127,500	$ 127,500	$ 127,500
Less: Existing Budget Amounts	127,500	127,500	127,500	127,500	127,500
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: The Garbage Collection and Recycling Collection preliminary operating budgets include a provision for free replacement of damaged carts. The annual cost is estimated at $63,750 in each of the utility supported recycling collection and tax-supported garbage collection programs.

"Original signed by M. L. Geer, CA"
Moira L. Geer, C. A.
Manager of Finance and Administration

CONSULTATION

In preparing this report there was consultation with:

Legal Services Department

SUBMITTED BY

Water and Waste Department
Solid Waste Services Division
Prepared by: Darcy Strandberg/Randy Park/Moira Geer
Date: December 19, 2014
File No. G-119

c: Director of Legal Services/City Solicitor, Legal Services Department

Attachment #1

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to amend the Solid Waste By-law

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Solid Waste By- law amended

1 The following is added immediately after subsection 6(2):

6(2.1) Despite clause (1)(a) and subsection (2), the owner of property is not responsible for damage to a cart, and no fee is applicable for the repair or replacement of a damaged cart, if the designated employee determines that

(a) the cart has been damaged by someone other than the property owner through no fault of the property owner;

(b) the cart was not damaged as a result of the property owner or resident at the property failing to comply with clause 6(1)(b) or with rules regarding the collection of solid waste established by the Director pursuant to clause 4(2)(c);

(c) the cart is no longer functional for garbage or recycling collection;

(d) the damaged cart has been returned to the City; and

(e) the damage to the cart took place after January 28, 2015.

DONE AND PASSED, this day of , 2015.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Water and Waste

Approved as to form:

_____
For Director of Legal Services/City Solicitor

DRAFT